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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,643	11/14/2001	David Botstein	P2730PIC13	4960
35489 7590 05/18/2009 GOODWIN PROCTER LLP 135 COMMONWEALTH DRIVE MENLO PARK, CA 94025				
EXAMINER KEMMERER, ELIZABETH				
ART UNIT PAPER NUMBER 1646				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID BOTSTEIN, AUDREY GODDARD, PAUL J.
GODOWSKI, AUSTIN L. GURNEY, MARGARET ANN ROY and
WILLIAM I. WOOD

Application No. 09/992,643
Technology Center 1600

Mailed: May 15, 2009

Before QUITA S. GOULD *Supervisory Paralegal Specialist, Review Team*
GOULD, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 5, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

REQUEST TO WITHDRAW APPEAL

A review of the file finds that Appellant filed a Request to Withdraw Appeal on March 16, 2009.

In accordance with MPEP § 1215.01:

If a brief has been filed within the time permitted by 37 CFR 41.37 (or any extension thereof) and an answer mailed and appellant withdraws the appeal, the application is returned to the examiner.

Therefore the application is being returned to the Examiner for further action as may be appropriate.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to address the Request to Withdraw the Appeal, and;
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QG/kmm

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